

Development Control in Adamawa State: A Critical Appraisal

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Abstract: *The term paper discussed the development control in Adamawa State with its critical appraisal, it highlighted the problems and the future prospects which induce inadequacy of professionally qualified personnel, financial constraints political in reference, socio- cultural attitude of the city inhabitant particularly the indigenes who are generally resistant to any form of control on their landed property duplication of work; lack of proper site inspection, inefficiency in writing planning briefs. It also discussed the literature of other people on development control like Abiola Ratcliff, Ola, Keeble and Alder. The master plan implication in development control is also highlighted in this term paper. The term paper also discussed the purpose of master plan achievement, the low that govern development control and the contributions of the planning board.*

Key words: *Control and Development.*

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I. Introduction

Development control as physical planning instrument, generally involves the regulation material changes on land. Its application tends to have negative approach to development, while at the same time it is a creative and permissive tool for a planned development (Vagale 1975). Development control is a guide through which the land use is licensed for building and other purposes backed up by planned law (Alder 2018). Development control includes regulations of aspects of development that propel detailed plan and generally precise guidance cannot be conveniently ensured (Obabori 2007). In the same vein, development control regulates the orderly planning and growth of a country, town or cities by stipulating adequate standard for all aspect of planning, it ensures that there will be adequate light, ventilation playground for children space for relaxation and recreation. It also ensure that, residential, commercial, industrial, institutional agricultural areas are properly and carefully zoned to prevent conflict and promote a harmonious inter- relationship (Memuna 2015). Development control is a formal voice on planning authority regarding such matters as permitted density height limitations user restriction access and outstanding preservation or conservation orders of one kind or another (Ratcliff 2018). Development control or land use control is a collection of interrelated Para-legal and administrative techniques and instruments design to safeguard, regulate, conserve and disburse land or part thereof in the interest of the overall community (Agbola 2016).

Development control is aimed at checking the activities of real estate developers and land owners by ensuring that there do not develop their property as the like and to the detriment of a public in tersest. Development plan cannot work without development control.

In improving urban design, it is essential that adequate standards of density, land use, utilities and services be established, that sound planning principle and techniques, and nature philosophy of contemporary aesthetic consideration be developed, and these and other urban factors should be related to the overall development plan by preparing three- dimensional plans and models of the neighbourhood. This is because large scale urban development projects can be monotonous due to type designs.

Urban design is a social art that has as its purpose the proper arrangement of the physical facilities that form our urban environment. It is an art and technique which require that freedom of creative designers. The element of design should become once again a living part of the organized pattern of our cities.

Adamawa State today is in the apex of urban revolution, the rapid urbanization led to the various urban problems of housing, transportation, drainage sanitation and general inadequacy of the social services. The rapid rate of urbanization has not given much room for development control activities in most of the urban centers of Adamawa State.

The problems needed to be checkmated are that the development control activities in Adamawa State has not been prosperous and achievable in that certain elements of planning are lacking such as preparation of layout and land use zoning provision of equipment such as drawing and printing materials and logistic support for physical inspection prior to planning approval i.e. provision of utility vehicles and settlement of nuleage and field workers. Others include payment of compensation to allow for proper planning where change has to be effective.

This lead to critical appraise to the development control in Adamawa state through with the problems and prospects of development control in Adamawa State are identified, relationship between development control and development plan are identified, the master plans implication in development control are examined, the low guiding development control are identified and suggestion and recommendation for the problems of development control in Adamawa State are proffered.

II. Methodology

The types of data required for the study and data collection procedure or sources of data was primary source, where data were sourced through planning and development authority (ASUPDA) and personal observations. Secondary source of data was sourced through library, published and unpublished textbooks related to this research topic.

Problems of Development Control

The problems to development control include the following manpower problems; finance, corruption, political interference from the powers that be as well as the opticians, socio-cultural attitude towards the city's inhabitant, it also include inadequacy of legal sanctions for defaulters of planning law.

One of the major constraints to development control in Adamawa State in the inadequacy of professionally gualified manpower, for example, the numbers of qualified planners was about 1500 in 1988(Aluka 1988). This was based on 108 fellow's member 1,174 corporate members and an estimate of 218 graduate members. This acute shortage of professional physical planners in Nigeria is one of the reasons why many allied professionals still refer to themselves as planners and also execute town planning assignment.

On the financial constraints, planning is generally accorded low priority in the scheme of event in Nigeria. This low priority is reflected in the inadequate funding of planning authority consequently, local planning authorities are left to pay way financial. They have therefore had to rely almost entirely, on developing control for generating revenues. Such revenues now come mainly through the assessment of building plans and other proposed development within their area of jurisdiction. Since significant developments may not be reported to the planning authority revenues are not collected.

Political interference in the machinery of development control is a common phenomenon in Adamawa State, for instance during military administration contravention of the by-laws and regulations of the planning authorities political heavy weights and high class social elites were common occurrence illegal structures spreading up overnight which the planning authorities personnel were usually helpless in prose cutting them.

The low should empower the planning officer to prosecute all cases of illegal developments in plans by non-planners without the planners approval should be subjected to public security. The people must be openly convinced of the need and justification for amendments. Other problems include lack of public awareness which makes it difficult to carryout successful development control activities, inadequate development control machineries of planning department or planning authorities, lack of promotions within the junior staff leading to low performance and dedication to duty, duplication of planning functions by other organization within the state like the town planning unit of lands and survey ministry of works and lack of master plan or land use map in part of Adamawa State, even there is, it is not up to date in some cases.

Future Prospect

Zoning

The most common method of controlling landuse over the world is zoning (Ratcliff 2018). Defined zoning as the method of by which development plans segregates parcels of land or areas of town as ascribes to them abroad classification of appropriate uses. The objectives of zoning regulation is to establish regulations for all essential uses of land and buildings and to ensure that each use is located in the most appropriate place. It helps to exclude nuisance which tend to create blight in particular zone.

Political Interference

In policy implementation and management, political interference should be minimized so that room should be given to legal backing to planning.

Participation

Participation with all parties on whom town and country planning should have impact.

The planning legislation should involve full participation of the entire economy which is important in developing control.

Creation of committee

Create liaison committees between the local government, state government and federal government authorities to improves relations and harmonize various acts that control development and encourage local programmes in line with the overall national development objectives and more emphases on structure plans.

Also create coordination among the different department of the planning authority including development planning.

Modernization

Government should empower logical authorities by developing power from the central fort and capacity building at local government level, development initiatives in each locality must be based on detail knowledge of local resources and needs and priorities of the local citizens and utilization of new technical tools such as GIS and land market assessment for effective planning.

Enforcement

This is a situation whereby development has taken place without permission or in breach of conditions. The planning authority require the developments to remove the work and restate the land or building to the removal, pulling down or attraction of the building and then recover such cost from the defaulters.

Stop Work Notice

Is a for issue to development who is or are found not adhering to building regulations to stop his work, and report to the planning authority for clarification.

Punishment

There are two ways of identifying bad development which have already taken place; these are through field inspection or site inspection and complaints by neighbours. The field or site inspection is by far the most important way of collecting information on both potentially bad developments is discovered in processing in application, the authority may request a new plan to be submitted.

Physical Development and Development Control

Landuse zoning implemented if conformed to what have been proposed in the master plan of the town and the extend of individual plots development in relation to building lines, setbacks coverage and building height i.e. to find out the level of conformity to the approved building plans or physical development and the environment include permitted densities, accessibility, height limitation, user restrictions including various setbacks and outstanding preservation order of one kind or the other while development control is the segregation of obnoxious activities out of residential areas and prevention of over exploitation of field.

So therefore development control and physical development are interested because from the concept of development control Ratcliff (1978) looked at development control voice of the planning authority regarding all matters as permitted densities, matters relating to physical development of environment.

In conclusion development control is an instrument of overall environmental quality control to the extent that it set standards and regulations guiding the bulk and use of structures as well as guiding even the air space between the buildings.

In lined with the above definition, the power to grant or refuse on attached conditions to permission for development to take place gives planning authority the right.

Master Plan Implementation

Plan implementation is the process that involves activities that translate the plan into action that execute rather than conceive. Implementation is uniquely administrative and involves the acts and actions by government authorities and private agencies which are required to yield in define form of results which the approved plan contemplates (Blattacharya 1977). Therefore planning control requires both regulatory and development activities in any properly implemented master plan. Facilities and infrastructures are provided according to plan. Obviously master plan implementation is not strictly or wholly the responsibilities of the government and its agencies alone and the private sectors.

Statutory, every master plan after its finalization has to be submitted to the government for approval, and the update of operation of the master plan starts which the publication of government concerning its approval. In Nigeria, the people regard the master plan as the government plan. Therefore the general belief is that master plans whose implementations are to be solely financed by the government to the exclusion of their contributions and cooperation's. This has been responsible for the seemingly low achievement of many master plans in Nigeria, despite the remarkable rate at which master plans were prepared in the 1980's.

Implementation of master plans is faced with problems which are of varied nature. However, various authors have differently identified those problems of master plan implementation in Adamawa State as poor funding, economic changes, lack of human resources, poor coordination of implementation activities among agencies involved and poor public participation, spatial change, demographic change, political instability, technical changes, time change, implementation changes (Mabogunje 1998), also in (Illesanmi 1998) planning approach to physical development.

Is the Purpose of the Master Plan Achieved?

The master plan implementation did not achieve their purpose on the continuous validity of both the greater Yola and Bajabure master plans, because of the following limitations; the most significant factors include the fact that the goals and objectives of the plans of 1976 and 1981 respectively have either varied and

are not of the same magnitude at the threshold of the 21st century. Secondly, the problems and needs identified in 1976 and 1981 respectively are either not the same or have varied in magnitude today and in the nearest future.

Other possible variations, which limit the contemporary efficacy of these plans, include newly manifesting environmental problems and aspirations, population pressure as well as other sociological, economical and technological changes (Joseph 2000).

Continuous use and reliance on these aged tools for ordering current development in Yola suggest that these factors are seen as technically speaking, it is in recognition of the possibility of these changes that the principle and practice of master planning make continuous monitoring and timely review indispensable parts of the master planning process.

What Do the Law Says About Development Control

The Nigerian Urban and Regional Planning Decree 88 of 1992 (Nigeria) Professor Ola in his book *Town and Country Planning Law in Nigeria* published 1977 called for a planning law based on a national planning policy. Therefore the Nigerian Urban and Regional Planning Law Decree No 88 of 1992 now forms the basis of a National Planning and development control standards and the problems of the appearance of the country as a whole rather than the beauty of only certain selected parts of the country.

Main features of the Nigerian Urban and Regional Planning Decree No 88 of 1992 are:-

- I. Assessment of planning roles to the three tiers of the government of the federation.
- II. Emphasis on development control with each tier of government having responsibility for control of development in respect of lands belonging to that tier of government.
- III. Encouragement of public participation in physical planning with a view of promoting acceptable and support for planning decisions.
- IV. Establishment of planning tribunal to ensure for appeals by aggrieved developers and also ensure enforcement by development control departments.

Section 27 of Decree No 88 of 1992 states:

- i. National Urban and Regional Planning Commission, state Urban and Regional Planning Board and Local Planning Authority shall respectively establish a department to be as a development control Department.
- ii. The control department created under sub-section 1 above shall be a multidisciplinary department charged with the responsibility for matters relating to development control and implementation of physical development plans.
- iii. The control department at the state level shall have power over the development control of federal lands and estates.
- iv. The control department at the state level shall have power over the development control on state lands.
- v. The control department at the local government level shall have power over control of development on all land within the jurisdiction of the local government.

Section 30 of the Decree No 88 of 1992:

- I. A developer (whether private or governmental) shall apply for a development permit in such manner using such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by the REGULATIONS made pursuant to this section.
- II. No development shall be commenced by any government to its agencies without obtaining an approval from the relevant development control department.
- III. A plan required to be made under this Decree shall be prepared by a registered Architect or Town Planners or Engineer and shall be in accordance with the provision of this Decree.

This provision is rather ambiguous

Section 33 of Decree No 88 of 1992

A developer shall at the time of submitting his application for development, submit to an appropriate control department, a detailed environmental impacts statement for an application for:

- A residential land in excess of 2 hectares or
- Permission to build or expand a factory or for construction of an office building in excess of four floors or 500 square meters of let table space or
- Permission for a major recreational development.

Section 31 (3) of Decree 88 of 1992 NURPL Development permit may be granted to any applicant in respect of the following

- I. Use and development on land.
- II. Material changes in the use of land, seabed or structure or part of structure.

- III. Interim use of land or seabed that is zoned or scheduled for an approved development but not required for that use within 2 years, provided such development or structures that may be erected shall be of temporary building materials and
- IV. Modification of an approved development plan.

Contributions of the Planning Board

1. Formulation of the state policies for urban and regional planning and the physical development of the state including the spatial location of infrastructural facilities
2. The initiation of the preparation of:
 - Regional and sub-regional plans for the state
 - Master plans for each of the local government areas in the state
 - Urban master plan for major urban centers
 - District plans
 - Outline development plans and
 - Other physical development plans and schemes embracing spatial distribution of major roads, location of industrial commercial residential as well as recreational facilities.
3. The establishment and operation of an effective development control organ on state lands including control of outdoor advertisement.
4. Supervision of the activities of local Planning Authorities.

III. Suggestions and Recommendations

These suggestions and recommendations aimed at solving the development control problems in Adamawa State therefore, it is regarded as prospect that has been mentioned earlier, if the government and the people will adhere to the suggestion into consideration. They are as follows:

1. Employment should be based on working experience and qualification background.
2. Provision of operational vehicles to development control team.
3. Development control power team to be given the full power upon illegal structures (building).
4. Adequate security should be provided to check the menace control equipment.
5. To review planning standards and building by-laws to bring them into reality of the socio-cultural and economic status of the people.
6. People should be educated on the activities of development. The town planning division in conjunction with the public enlightenment department of the state ministry of information can also be done through media houses like TV and all radio stations.
7. Government of Adamawa State should clarify the functions of planning Authorities and Town Planning section of land and survey so as to avoid over-lapping of functions.

IV. Conclusion

Town and country planning legislation and development control regulation provision in Nigeria are inseparable. Reason being that latter had at all times and in most countries embedded in the former. Hence the convenient way of reviewing development control provision shall be in conjunction with the various ordinances that had at one time or the other been in operation in the state and the country at large.

Development control is an interventionist approach to orderliness in the organization of space at various levels. Also it is intended to promote and guide Development at the regional and micro level of settlement and site. Ola S (1977) in the same view noted that development control regulates the orderly planning and growth of a town, a country, a city by stipulating adequate standards for all aspects of planning. He further stated that there should for example adequate light, adequate ventilation, adequate playground for children, spaces for recreation and educational areas are also carefully zoned to prevent conflict and promote harmonious inter-relationship.

From the foregoing what development control means and what it ensures are not disputed and generally can be stated that the major items for which development control standards are required include road dimension, building setbacks, density control, zoning regulation, overcrowding ventilation, layout schemes, pertaining standards etc.

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